

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 300

By Senators Trump, Caputo, Plymale, and Hamilton

[Introduced January 19, 2023; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating to
2 law-enforcement training and certification; and providing for the definition of "law-
3 enforcement officer".

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

1 For the purposes of this article, unless a different meaning clearly appears in the context:

2 (1) "Approved law-enforcement training academy" means any training facility which is
3 approved and authorized to conduct law-enforcement training as provided in this article;

4 (2) "Chief executive" means the Superintendent of the State Police; the chief Natural
5 Resources police officer of the Division of Natural Resources; the sheriff of any West Virginia
6 County; any administrative deputy appointed by the chief natural resources police officer of the
7 Division of Natural Resources; or the chief of any West Virginia municipal law-enforcement
8 agency;

9 (3) "County" means the 55 major political subdivisions of the state;

10 (4) "Exempt rank" means any noncommissioned or commissioned rank of sergeant or
11 above;

12 (5) "Governor's Committee on Crime, Delinquency, and Correction" or "Governor's
13 committee" means the Governor's Committee on Crime, Delinquency, and Correction established
14 as a state planning agency pursuant to §15-9-1 of this code;

15 (6) "Law-enforcement officer" means any duly authorized member of a law-enforcement
16 agency who is authorized to maintain public peace and order, prevent and detect crime, make
17 arrests, and enforce the laws of the state or any county or municipality thereof, other than parking
18 ordinances, and includes those persons employed as campus police officers at state institutions of
19 higher education in accordance with the provisions of §18B-4-5 of this code, persons employed as
20 hospital police officers in accordance with the provisions of §16-5B-19 of this code, and persons

21 employed by the Public Service Commission as motor carrier inspectors and weight-enforcement
22 officers charged with enforcing commercial motor vehicle safety and weight restriction laws,
23 although those institutions and agencies may not be considered law-enforcement agencies. The
24 term also includes those persons employed as county litter control officers charged with enforcing
25 litter laws: *Provided*, That those persons have been trained and certified as law-enforcement
26 officers and that certification is currently active. The term also includes those persons employed as
27 rangers by resort area districts in accordance with the provisions of §7-25-23 of this code,
28 although no resort area district may be considered a law-enforcement agency: *Provided, however*,
29 That the subject rangers shall pay the tuition and costs of training. As used in this article, the term
30 "law-enforcement officer" does not apply to the chief executive of any West Virginia law-
31 enforcement agency, nor to any watchman or special natural resources police officer, nor any litter
32 control officer who is authorized and trained under the provisions of §7-1-3fff(d) of this code;

33 (7) "Law-enforcement official" means the duly appointed chief administrator of a
34 designated law-enforcement agency or a duly authorized designee;

35 (8) "Municipality" means any incorporated town or city whose boundaries lie within the
36 geographic boundaries of the state;

37 (9) "Pre-certified law-enforcement officer" means a person employed or offered
38 employment by a West Virginia law-enforcement agency prior to his or her initial certification by
39 the subcommittee. This term does not include a person employed or offered employment by a
40 West Virginia law-enforcement agency whose certification status is inactive, suspended, or has
41 been revoked;

42 (10) "Subcommittee" or "law-enforcement professional standards subcommittee" means
43 the subcommittee of the Governor's Committee on Crime, Delinquency, and Correction created by
44 §30-29-2 of this code; and

45 (11) "West Virginia law-enforcement agency" means any duly authorized state, county, or
46 municipal organization employing one or more persons whose responsibility is the enforcement of

47 laws of the state or any county or municipality thereof: *Provided*, That neither the Public Service
48 Commission nor any state institution of higher education, nor any hospital, nor any resort area
49 district is a law-enforcement agency.

NOTE: The purpose of this bill is to clarify the definition of a law-enforcement officer under this article does not include county litter control officers whose authority is limited to issuing citations for open dumps, unlawful disposal of litter, or failure to provide proof of proper disposal of solid waste

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.